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FILED

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CLERK OF U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEXANDER DZHUGA,  
a/k/a Aleksandr Dhuga,  
a/k/a Aleksandr Dzhuga,  
LEONID DZHUGA,  
VLADIMIR A. SEMENOV,  
NATALIA IGOREVNA STADNIK,  
a/k/a Natalia Stadnik Dzhuga, and  
ARMOND TENNYSON TOLLETTE II,  
a/k/a Armond T. Tollette, Jr.,

Defendants.

No. CR 05-00589-JF

STIPULATION AND [PROPOSED]  
PROTECTIVE ORDER

Defendants are charged with violations of Title 18, United States Code, Sections 1347 and 2- Health Care Fraud and Aiding, and Title 18, United States Code, Section 1349 - Conspiracy to Commit Health Care. In the course of discovery in this matter, the defendants have requested production and review of documentary evidence in the

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1 possession of the government which contains individually identifiable information  
2 disclosing medical information about patients who are not parties to this proceeding. The  
3 underlying substantive facts in this documentary evidence may be material and necessary  
4 to the prosecution or defense of this proceeding. To expedite the production of discovery  
5 material and to adequately protect the individually identifiable health information, the  
6 parties agree and stipulate that materials containing individually identifiable health  
7 information will be handled in accordance with the conditions set forth below. In order to  
8 protect the confidentiality of this information, and with the stipulation of the parties, the  
9 government asks the Court to enter the following protective order:

10           1. Before producing materials containing individually identifiable  
11 health information, the government will designate such materials as confidential by  
12 affixing "CONFIDENTIAL HEALTH INFORMATION –SUBJECT TO PROTECTIVE  
13 ORDER" to the material itself or to the diskette or CD-Rom containing the material.

14           2. Except when being actively examined for the purpose of the  
15 preparation of the defense's case, defense counsel shall maintain the protected material in  
16 a locked, safe, and secure drawer, cabinet, safe, or room which is accessible only to  
17 defense counsel. Defense counsel shall not permit any person access of any kind to the  
18 protected materials except as set forth below.

19           3. If any defense counsel wishes to utilize the services of any paralegal,  
20 investigator, expert or other individual to review the protected materials in connection  
21 with the preparation of a defense, prior to receiving access to the materials such  
22 individual must sign a copy of the "Acknowledgment of Protective Order and Proper  
23 Handling of Materials Subject Thereto" attached to a copy of this Order acknowledging  
24 that:

25           a) he/she has reviewed the Order;  
26           b) he/she understand its contents;  
27           c) he/she agrees that he/she will only access the protected materials for  
28 the purposes of preparing the defense case;

1 d) he/she will not make any copies of any of the protected materials  
2 without further order of the Court;

3 e) he/she understands that failure to abide by this Order may result in  
4 sanctions by this Court.

5 Defense counsel shall promptly file signed copies of the Order along with the  
6 signed Acknowledgment of Protective Order and Proper Handling of Materials Subject  
7 Thereto Order, ex parte and under seal. The government shall have no access to these  
8 signed copies without further order of the Court.

9 4. A copy of this order shall be maintained with the protected material  
10 at all times.

11 5. Counsel should make every effort to redact the individually  
12 identifiable health information that is included in pleadings. In addition, any pleadings in  
13 which it is necessary to include or make reference to such information shall be filed under  
14 seal.

15 6. Within five court days of any judgement and sentencing hearing in  
16 this matter, all material containing individually identifiable health care information that  
17 was produced pursuant to this Order, if any, shall be returned to the Government or  
18 destroyed by shredding or similar manner. If defendant believes that he or she must  
19 maintain the protected material for any reason related to appeal, defendant must seek  
20 authorization from the Court within five days of the sentencing and judgement in this  
21 matter.

22 SO STIPULATED

23 DATED: 1/23/06

/S/  
MARK J. WERKSMAN  
Attorney for Defendant A. Dzhuga

26 DATED: 1/24/06

/S/  
DMITRY Y. GUROVICH  
Attorney for Defendant L. Dzhuga

28  
ORDER  
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1 DATED: 1/23/06

/S/  
JEFFERY BRAUN  
Attorney for Defendant Semenov

4 DATED: 1/25/06

/S/  
ELON BERK  
Attorney for Defendant Stadnik

7 DATED: 1/29/06

/S/  
KURT ROBINSON  
Attorney for Defendant Tollette

10 DATED: 2/2/06

/S/  
CANDACE KELLY  
Assistant United States Attorney

12 IT IS ORDERED that disclosure of the above-described discovery materials  
13 shall be restricted as set forth above.

14 DATED: 2/7/06

  
PATRICIA V. TRUMBULL  
United States Magistrate Judge



**Acknowledgment of Protective Order and Proper Handling of Materials Subject  
Thereeto**

I \_\_\_\_\_ am employed as a(n) \_\_\_\_\_ and I am assisting \_\_\_\_\_  
\_\_\_\_\_(attorney) in the preparation of the defense of \_\_\_\_\_  
(defendant). In anticipation of reviewing materials that contain individually identifiable  
health information, I have reviewed the attached Order. I understand its contents. I agree  
that I will only access the protected materials for the purposes of preparing the defense  
case. I will not make any copies of any of the protected materials without further order of  
the Court. I understand that failure to abide by this Order may result in sanctions by this  
Court.

DATED: \_\_\_\_\_